

REMARKS

A.) The Section 102 Rejections Based on Yin

The Office Action states that claims 1-5, 8, 9, 12, 39-43, 46, 47, 50 and 52 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U. S. Patent No. 5,982,748 to Yin et al. ("Yin"). Applicants believe the Examiner also intended to include claims 10, 11, 48 and 49 in this rejection as well. Applicants will proceed on this basis unless the Examiner indicates otherwise. The Applicants respectfully request that the Examiner clarify his position in the next communication sent to the Applicants. As for the rejections, the Applicants respectfully disagree and traverse these rejections for at least the following reasons.

In the most recent Office Action the Examiner again relies on Yin to anticipate claims 1-5, 8, 9, 12, 39-43, 46, 47, 50 and 52. However, Yin does not disclose the feature of determining an effective bandwidth for each class of service based in part on an assigned overbooking factor and one of either a cell delay variation or cell loss.

In the Office Action, the Examiner relies on Yin as disclosing an "effective bandwidth" and directs the Applicants' attention to column 7, lines 25-35 of Yin in support of his position. Applicants respectfully submit, however, that these excerpts do not describe the claimed effective bandwidth.

Instead, these excerpts define an allocation factor that is based on an "Actual Usage" parameter and/or a "subscribed bandwidth", $A(i)$, parameter.

Applicants submit that neither parameter is akin to, nor suggestive of, the claimed effective bandwidth.

More specifically, on pages 6 through 11 of the present application the computations of effective bandwidth for CBR and VBR traffic classes are presented. With respect to CBR traffic, it is noted that an effective bandwidth may be computed based on a cell delay variation. Neither the Actual Usage nor the subscribed bandwidth parameters disclosed in Yin appear to be so computed. For example, Yin discloses that the subscribed bandwidth parameter for CBR traffic is derived from “the sum of all PCR [peak cell rate] values” (column 6, lines 60-65), not from cell delay variations. As such, Yin represents the known method of using cell rates to compute a CBR bandwidth parameter. However, Yin fails to appreciate that, for CBR traffic, only the cell delay variation needs to be used. This was a discovery of the present inventors (see page 6, lines 13-22).

Because Yin does not disclose each and every feature of the rejected claims, it cannot be a basis for anticipating these claims under §102(e). Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-5, 8-12, 39-43, 46-50 and 52.

B.) The Section 103 Rejections Based on Yin and Huang

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in view of U.S. Patent No. 6, 608,815 to Huang et al. (“Huang”).

Initially it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin discussed above.

Accordingly, Applicants respectfully submit that claims 13 and 51 are patentable over a combination of Yin and Huang for the reasons set above with respect to claims 1 and 39.

C.) Entry of this Request for Reconsideration

Entry of this Request for Reconsideration ("Request") is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration (i.e., the claims were revised to correct grammatical errors); (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

CONCLUSION

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-5, 8-13, 39-43 and 46-52.

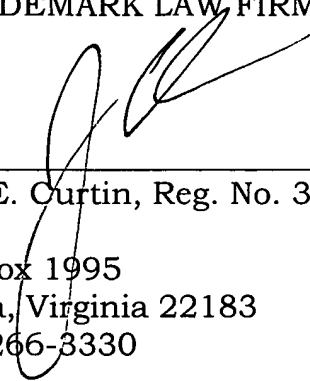
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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